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Letter dated 15 March 2007 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit the seventh report of the International Independent Investigation Commission, which was prepared pursuant to Security Council resolutions 1595 (2005), 1636 (2005), 1644 (2005) and 1686 (2006).

The report describes progress made by the Commission since its previous report dated 12 December 2006 (S/2006/962) in investigating the February 2005 assassination of former Lebanese Prime Minister Rafik Hariri and 22 other victims, and in providing technical assistance to the Lebanese authorities in their investigation of a number of other attacks perpetrated in Lebanon since 1 October 2004.

The present report provides information on the Commission's progress in the investigation of the Hariri case, with particular emphasis on developing crime scene leads and collecting evidence relating to perpetrators as well as linkage and contextual aspects of the case. The Commission also continued to provide significant technical assistance on 15 other cases, pursuing possible linkages between these and the Hariri case. It has also worked in conjunction with the Lebanese authorities on the investigation of the 13 February 2007 bombings, in which three people were killed and at least 20 people were injured when two explosions occurred on two buses travelling through the village of Ain Alaq, near Beirut.

I wish to take this opportunity to express thanks to Commissioner Brammertz for his leadership and to the staff of the Commission for their dedication and commitment in often demanding circumstances.

I also wish to thank the Government of Lebanon for its enduring cooperation with, and support for, the Commission. In addition, I would like to welcome the request of the Lebanese Government transmitted in Prime Minister Siniora's letter of 21 February 2007 for a further extension of the mandate of the Commission for a period of up to one year, from 15 June 2007.

I should be grateful if you would bring this matter to the attention of the members of the Security Council. Meanwhile, I am transmitting the report to the Government of Lebanon.

(*Signed*) **Ban** Ki-moon

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Seventh report of the International Independent Investigation Commission established pursuant to Security Council resolutions 1595 (2005), 1636 (2005), 1644 (2005) and 1686 (2006)

Serge Brammertz
Commissioner

Beirut
March 2007

Summary

The Security Council, in its resolution 1644 (2005) of 15 December 2005, requested the International Independent Investigation Commission to report to it on its progress, including on the cooperation received from the Syrian authorities, every three months.

The present report summarizes the progress made by the Commission in its investigative activities since the last report to the Council (S/2006/962). During the reporting period, the Commission remained focused on its primary objective in the investigation of the Hariri case and provided technical assistance to the Lebanese authorities in 16 other cases, including the assassination of Minister Pierre Gemayel and, most recently, the Ain Alaq bombings of February 2007.

In the Hariri case, the Commission has made progress in collecting new evidence and in expanding the forms of evidence collected. This has enabled the Commission to narrow its focus in a number of areas during the reporting period, particularly in relation to establishing the motive behind the execution of the crime.

The Commission continues to maintain a close working relationship with Lebanese authorities on all matters relevant to its mandate. The Commission also continues to receive responses to its requests to other Member States, including the Syrian Arab Republic. This cooperation remains an important component of the Commission's work.

Since the last report, the political and security environment in and around Lebanon has remained unstable. The Commission continues to monitor the political situation in the region and its potential impact on its investigations and requirements for its security.

In the light of the current and planned investigative activities, it is unlikely that the Commission will complete its work before its current mandate expires in June 2007. The Commission therefore welcomes the request for an extension of its mandate beyond that date.

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1644 (2005) of 15 December 2005, in which the Council requested the International Independent Investigation Commission to report every three months to the Council on the progress of its inquiry and on international cooperation, including the cooperation received from the Syrian authorities.

2. This report, the seventh report of the Commission, provides an update of issues covered in previous reports to the Council and notes progress in the work of the Commission since the last report, of 12 December 2006 (S/2006/962). As outlined in earlier reports, the Commission remains mindful of its obligation to protect the confidentiality of its investigations in order to ensure the integrity of the legal process and to protect those who have cooperated with the Commission. This approach is taken in full agreement with the Lebanese judicial authorities. Hence the present report provides an overview of activities undertaken in the reporting period rather than a detailed account of ongoing investigations.

3. Since the last report, the security environment in and around Lebanon has remained unstable, as illustrated by the bombings of two buses in the village of Ain Alaq, near Beirut, which resulted in the death of three people and injuries to 20 others on 13 February 2007. Also, discussions about the creation of a special tribunal for Lebanon remain at the top of the political agenda in Lebanon and in the region. The Commission therefore continues to monitor these issues for potential impact on its investigation activities and requirements for its security.

4. As in the past, the Commission maintains a close working relationship with Lebanese authorities on all matters relevant to its mandate. During the reporting period, the Commission also received extensive and timely assistance from a number of other States in a wide range of substantive areas. The Commission also continues to receive responses from the Syrian Arab Republic, which provides information and facilitates interviews with individuals located on Syrian territory. This cooperation remains an important component of the Commission's work.

5. The Commission has remained focused on its primary objective: the investigation of the assassination of former Prime Minister Rafik Hariri and 22 others. It has made progress in collecting new evidence and in expanding the forms of evidence collected. This is done to enhance case knowledge and corroborate existing information. This approach has enabled the Commission to narrow its focus in a number of areas, in particular in relation to developing its understanding of the motive behind the execution of the crime.

6. Following requests from the Security Council, the Commission has been providing technical assistance to the Lebanese authorities for the 14 other cases, the case of the assassination of Minister Pierre Gemayel and, more recently, the Ain Alaq bombings. In doing so, the Commission has sought to identify areas of work where it can add value to the investigations, while expending appropriate resources to achieve the required results. The objective remains to assist in each individual case, while identifying possible linkages between them.

7. The forensic programme of the Commission continues to form a particularly important component of the investigative work in support of all cases. Further corroboration of findings through forensic work was achieved during the reporting

period, and a number of new tasks were undertaken. With that in mind, the Commission introduced internal and external capacity-building measures to manage its complex and interlinked forensic projects.

8. The Commission intends to compare selected DNA profiles and fingerprints with relevant databases, access to which will be facilitated by an international law enforcement organization. The Commission is also developing its own database of relevant DNA samples, and will continue to work with Lebanese authorities and foreign experts to gain access to materials and conduct further analyses, as appropriate.

II. Progress in the investigations

9. During the reporting period, the Commission's investigation of the Hariri assassination concentrated on its main objectives and expanded the scope of information and evidence being collected. In support of those objectives, and in addition to other operational work it undertook, the Commission conducted 42 interviews linked to the Hariri case during the reporting period.

10. The provision of technical assistance to the Lebanese authorities has continued in the 16 other cases, including the Pierre Gemayel case and the Ain Alaq bombings. The Commission has conducted 27 interviews, carried out forensic investigations on the crime scenes, undertaken the collection and examination of crime scene exhibits, conducted portrait sketch activities with witnesses, and collected closed-circuit television footage in support of these other cases. The overarching objective remains to develop each case individually, while seeking evidence of possible linkages between the cases. Linkages may include the characteristics of the victims targeted, motive, purpose of the attacks, the modus operandi employed, and perpetrators of the attacks.

11. In the reporting period, the Commission developed and implemented a broader plan for collection of evidence in relation to all cases currently under investigation to enhance the evidential base for the cases in conjunction with conventional interview processes. This was done to corroborate and substantiate the witness statements. It is made possible through the acquisition of documentary information such as government and national agency records; and the management of forensic collection, research and analysis projects, including the development of inventories and databases, the coordination of external analysis by forensic experts of exhibits provided by the Lebanese authorities, the systematic exploitation of communications intercept material, further development of communications traffic analysis, further analysis of considerable electronic data holdings and the development of confidential witnesses and contacts.

12. By applying this methodology, the Commission believes it can establish a more detailed picture of events around the crime, elicit new leads and corroborate witness statements. This is especially important when investigating the linkage and knowledge aspects of the cases, where the establishment of the facts can sometimes be clouded by individual subjectivity.

13. The Commission devotes the majority of its time and resources to the Hariri case by developing crime scene leads and collecting evidence relating to the perpetrators, linkage and contextual aspects of the case. It is mindful of the balance

that needs to be struck between the Hariri case, the provision of support in the 14 other cases, and the Gemayel and Ain Alaq cases. This is a changing equation over time, but the Commission strives to take advantage of methodologies that add the most value to all the cases while making the best use of available resources.

A. Hariri investigation

1. Crime scene and associated topics

Properties of the blast — seismological analysis

14. The analysis of seismological data registered on 14 February 2005 by the National Centre of Geophysics in Lebanon is ongoing and aims to establish the properties of the blast that killed Hariri. The preliminary report, which was received from external experts, corroborates the Commission's earlier assessments that only one blast occurred and that the precise time of the blast was 12:55:05.

15. The phenomenon of more than one sound being heard by a number of witnesses is now satisfactorily scientifically and experimentally explained. In fact, three distinct phases of the blast can be observed on the seismograms, owing to the different propagation speeds of three different waves: the primary and secondary volume waves, the surface waves and the sound waves. At a sufficient distance from the explosion, these waves can be mistaken for the signature of more than one explosion. The sound recordings performed during the scaling explosion experiments confirm these theoretical explanations.

16. The final report on the characteristics of the explosion, which will be provided to the Commission in the next reporting period, will include an assessment of the power of the explosion, and a comparative analysis of other explosions that have occurred in Lebanon.

Properties of the blast — scaling explosion experiments

17. The analysis of scaling explosion experiments confirms previous conclusions that the physical phenomena observed at the crime scene are fully compatible with an above-ground explosion. For example, the fireball, deposit of carbon residues on the facades of the hotels, and damage sustained to the buildings and the surroundings, due to the blast effects, are not compatible with an underground explosion.

18. In addition, a full analysis of the autopsy and injuries records and associated photographs of the victims will be undertaken to examine the wound phenomena for the primary blast (for example: the presence of pulmonary lesions and lesions of the eardrums) and secondary blast (projections of debris) associated with an above-ground explosion. A preliminary assessment of the data corroborates that the explosion occurred above the ground. These findings are being confirmed by numerical simulations.

Aerial delivery theory

19. The validity of the hypothesis of an aerial delivery of the explosive device, put forward to the Commission in August 2006, is being examined. The Commission is conducting a scientific, technical and investigative analysis of the possibilities of

the bomb being delivered in this way. Preliminary technical findings indicate that this theory is unlikely. The Commission intends to conduct a fact-finding mission, to include interviews and meetings with relevant experts, in order to develop its understanding of this possibility, and will draw some conclusions during the next reporting period.

Forensic examination of exhibits recovered on the crime scene

20. As previously reported to the Council, the Commission was able to make a preliminary association between certain vehicle parts found in the crater at the crime scene and those of a Mitsubishi van. This was done using documentation and technical information received by the Commission from Japan, as well as the Commission's own-sourced manuals and documents. The process of creating a complete inventory of these exhibits is ongoing, in conformity with international standards, and, once complete, the alleged parts of the vehicle will be submitted for formal identification in cooperation with external technical experts.

Visualization projects

21. Three digital visualization projects have been completed, and a new one is ongoing to enable evidence and case facts to be presented in a way that will facilitate the identification of further investigative steps to be taken. The first two projects are the visualization of the city and the crime scene at various points along the route taken by the Hariri convoy on 14 February 2005, using panoramic and three-dimensional (3D) satellite imagery. The third project is the visualization of a time line reconstruction of Hariri's last day, including the alleged communications traffic activity of the bomb team as the convoy proceeded along its route. A fourth project entails the creation of a model that will allow users to "walk through" the crime scene showing the exact locations where various exhibits were found.

22. Themes being placed into the model include the plotting of trajectories and final locations of physical and biological evidence; the reconstruction of events; animations of the Mitsubishi van and the convoy vehicles as they arrived at the crime scene; the damage caused by the explosion; witness information; video recordings from the closed-circuit television system of a nearby branch of the HSBC bank; and test explosions data.

Geographical origin of the alleged bomber

23. The project to attempt to determine the geographical origin of the bomber is being developed through two approaches. One method uses a team of experts that is conducting a statistical analysis on allele frequencies based on the nuclear DNA profile of the 33 human parts collected from the crime scene. These human parts belong to the man likely to have detonated the device, and are compared with the allele frequencies of profiles provided by several countries. This work should provide a probability-based assessment on the possible place of origin of the alleged bomber.

24. The second method focuses on the study of isotope data. In the Commission's previous report, the results of the first phase of analysis showed that the individual did not spend his youth in Lebanon, but was likely situated there in the two to three months before his death. The Commission can now also add that the man had significant exposure to lead pollution in an urban environment up to the age of

about 12, and that such exposure was low during the last 10 years of his life, possibly indicating that he lived in a more rural environment during this period.

25. In order to advance this line of inquiry, the Commission has collected a total of 112 samples from 28 locations in the Syrian Arab Republic and Lebanon. Over the coming weeks, it will collect samples in three other countries in the region, and further countries are identified for another series of sampling missions.

26. As stated in the previous report, the Commission is mindful that results should be carefully interpreted and the limitations clearly understood. The Commission will treat future results as forensic information to be used primarily for lead purposes in the investigation.

Ongoing crime scene investigations

27. The preliminary results of examinations of the personal effects of a victim discovered at the crime scene in June 2006 have resolved outstanding questions, but further investigative work will be undertaken to finalize the matter in the near future.

28. The issue of a victim who was killed at the crime scene, found in a location where normally he should have been protected from the blast, continues to be investigated. Documentary information in relation to this matter is being translated and will be analysed before a decision is taken on the relevance of this individual to the investigation.

29. The issue of alleged tampering with the crime scene and obstruction of the investigation as a result of removal of artefacts remains under investigation. The Commission is conducting analyses and will undertake further investigative steps to clarify if there was deliberate intent in this matter.

30. A number of interviews were conducted in the reporting period to clarify issues relating to the crime scene prior to the blast, new leads arising from the analysis of witness statements and communications traffic, and the acquisition of artefacts as possible evidence. A minimum of 15 further crime scene witness interviews are planned in the next reporting period in support of these objectives.

31. Investigations are ongoing into the acquisition and storage of the Mitsubishi van, and its preparation with explosives. The Commission has received a body of new information relating to this topic, and over 500 pages of data are being prioritized for translation and analysis. The Commission is developing recent leads concerning the van, investigating the history of the vehicle from the most recent time it was known to be in Lebanon, and working backwards in time from that point.

32. The Commission continues to work on establishing the route of the Mitsubishi van as it was brought to the area prior to the attack, then towards the St. Georges Hotel area, and then on its final path on 14 February 2005.

33. The Commission has largely resolved the allegation that a red car was parked outside the St. Georges Hotel, apparently reserving a space for the Mitsubishi van before its arrival on the crime scene. It has been suggested that the vehicle had driven off to make way for the van to park in its place. It has been established by witness interviews and the examination of photographs of the scene immediately after the explosion that the position of the red car was some 15 metres before the

place where the crater was created. The conclusion at this stage, subject to further information coming to light, is that there is no direct connection between that vehicle and the arrival of the Mitsubishi van.

2. Individuals involved in the commission of the crime

Communications

34. The Commission's analysis of communications traffic continues in order to support and validate different points arising from the investigations. Much work has been done to support the interviews conducted, in order that respective communications contact with other persons of interest to the case can be discussed with witnesses. Patterns of communications traffic, including frequencies and timings of calls, and linkages and clear associations to others, are all developed and elicit investigation leads.

35. In relation to the six mobile cellular telephone SIM cards allegedly used by the team that executed the operation on the day of 14 February 2005, the Commission has developed further information of interest relating to associated earlier operations, including possible surveillance and reconnaissance activity, possible practice-runs or earlier attempts to kill Rafik Hariri, and other actions undertaken by the team. New areas of interest have emerged from this analysis and are currently being examined.

36. The Commission has also undertaken an investigative project examining the role of the persons using the six SIM cards and activities that can be inferred from their use. This exercise is supported by the Commission's existing communications traffic analysis projects in relation to the cards. The objective is fourfold: first, to reaffirm the validity of the hypothesis that the cards could indeed have been used by the bomb team to execute its task; second, to establish whether other modes of communication must have been used between the members of the team, and also perhaps with other individuals, in order for the attack to take place; third, to allow the Commission to establish a better understanding of how the crime was committed on 14 February; and finally, to understand further what other activity the bomb team undertook, and what locations it travelled to and why, in the days leading up to the attack.

37. Such extensive analysis enables the Commission to reach a better understanding of the bomb team, its role in the crime and its other activities. This in turn creates further investigative leads geographically and temporally, and pointing to the activities of individuals outside the immediate bombing team the Commission believes were using the six SIM cards.

38. This detailed examination of the activities of the six SIM cards has resulted in a number of significant elements for ongoing investigation. These include, but are not limited to: potential identification of the role of each participant in the preparation, planning, surveillance and actual attack; the bombing team's anticipation of Hariri's activities and movements; and possible earlier attempts on Hariri's life.

39. One working hypothesis is that the bomb team had to ensure that Hariri was indeed dead after the explosion in order for the video claim of responsibility to be delivered and to have resonance with its intended audience. It is possible that the team, and those commissioning the crime, could not afford to deliver a claim of

responsibility to the global media if Hariri had survived the attack. Thus, the Commission is exploring the hypothesis that one member of the team, or an associate, was tasked with confirming the death of the principal target as soon as possible and may have contacted someone waiting for the news. Based on existing information, the time frame for this activity would have been within approximately 45 minutes of the explosion.

40. This in turn led to the series of events related to the taped claim of responsibility and the subsequent telephone calls made to media outlets. The Commission is examining the hypothesis that one or more members of the bomb team was responsible for delivering the tape and making the subsequent telephone calls to the media. Other variations on this hypothesis are being explored to establish the numbers of perpetrators who may have been involved on the day of the attack.

Ahmed Abu Adass

41. In the reporting period, the investigation developed its understanding of how Ahmed Abu Adass was identified and chosen to be the person to make the video claim of responsibility, who involved him in that activity and where and when that occurred. A working hypothesis is that he was identified because of his personality and other specific characteristics. It is possible that his association and relationship with one or more individuals whom he met at his place of worship led him to depart his home on 16 January 2005, for reasons that are currently unknown.

42. The Commission is aware that Ahmed Abu Adass was acquainted with individuals associated with extremist groups, at least because they attended the same place of worship, which he frequented regularly and where he occasionally conducted prayers. The Commission also conducted extensive analysis of communications traffic records associated with Ahmed Abu Adass, including analysis of the telephone communication at his home and place of work and on lines belonging to his alleged associates.

43. A working hypothesis is that Ahmed Abu Adass was either coerced or duped into making the videotaped claim of responsibility. The claim he read out on tape was made on behalf of a group, and Ahmed Abu Adass himself did not state he would be the one who would carry out the attack. In relation to the tape's production, it is of note that relatives and persons who knew him before his disappearance have stated that his appearance on the videotape was physically different from that before 16 January 2005. To some, he appeared even thinner than previously; his beard had markedly grown, indicating that he may have made the tape towards the end of the approximately four-week period between his disappearance and 14 February 2005. His clothing was also different from his usual style in that he had headwear and clothing that his close friends and family had not seen him wearing before.

44. It is of interest to the investigation that a note was included with the video on 14 February 2005, which stated that the bomber was indeed Ahmed Abu Adass. From its forensic findings, the Commission believes this to be highly unlikely. One working hypothesis is that the video and the accompanying note could have been designed to deceive. Another working hypothesis is that while an extremist group may have been involved in part in committing the crime as outlined in the tape and

note, this group was actually manipulated by others for another objective not related to its own organizational aspirations.

45. Thus, the Commission continues to investigate the various possibilities concerning the group that executed the crime. The Commission has received information in relation to individuals who operated in Lebanon and beyond who may have been involved in the production of the Ahmed Abu Adass tape, and also may have participated in the attack on Rafik Hariri in more than one context. In connection with this information, the Commission has undertaken a number of missions outside Lebanon, conducted 23 interviews to date, researched over 200 gigabytes of data from numerous computers, USB devices, CD-ROMs, mobile telephones and SIM cards, and analysed large volumes of communications traffic.

46. A working hypothesis is that a small number of individuals belonging to a larger group may have come together to undertake the filming of the claim of responsibility, acquire the Mitsubishi van and have it prepared with explosives. They may also have participated in the acquisition of an individual who was to detonate the bomb, and may have assisted in delivering him and the bomb to the scene of the crime.

47. The Commission has a number of investigative leads to follow up, further interviews to conduct, and further communications traffic analysis and forensic collection missions to perform. It also awaits the final forensic analysis of various artefacts that are possibly associated with this working hypothesis, including video cameras and related equipment, cassette tapes, computer hardware and other items. These artefacts were submitted for DNA/fingerprint research and forensic digital analysis during the last reporting period. To date, 118 samples have been taken and will be analyzed for nuclear and mitochondrial DNA profiling, and 127 fingerprints have been collected.

Individuals with prior knowledge of the attack

48. The Commission believes that beyond those directly involved in the crime and those who decided it should take place, certain other individuals may have had prior knowledge of the attack. Some of those individuals possibly only had partial information; for example, knowing about the bomb, but not for whom it was intended, or knowing that Hariri was to be killed, but not knowing precisely when. The Commission is also exploring hypotheses that some knew both the target and the timing of the attack, and were informed for specific reasons.

49. The Commission is developing a hypothesis whereby the final phase of the operation to assassinate Hariri took shape by early February 2005, at which point all necessary components for the operation were assembled. These include the van, acquired and prepared with explosives and ready for use; the bomber, prepared, briefed and ready to be deployed; the minimum necessary information acquired, and surveillance and reconnaissance conducted, to be able to undertake the operation; the bomb team undiscovered and able to execute the operation; the videotaped message of Ahmed Abu Adass completed and ready to be delivered upon the success of the operation; and, most importantly, the intent still present in the minds of those who ordered the crime to go ahead with the operation.

50. A working hypothesis is that the bomb team was working within a "window" of opportunity to deliver the attack on Hariri, rather than one specific day, given the

significance of the target and the time that would have been spent in overall preparation of the attack. That preparation time was most likely measured in weeks rather than days.

51. The activities of some potentially relevant individuals were noticeably altered during this period, as the bombing team began what became the final activities prior to the attack. The Commission is investigating such issues, and is finding that attitudes, behavioural patterns and comments made by certain persons in the period before the killing could have relevance.

3. Motive to assassinate Hariri

Rafik Hariri timeline

52. As indicated in earlier reports to the Council, the Commission had collected a significant amount of evidence and information related to Rafik Hariri during the last 15 months of his life. The picture assembled is complex and multilayered, and provides part of the backdrop for the motive behind the decision to assassinate him. This aspect of the Commission's investigation is ongoing, and is unlikely to be completed in the next reporting period given the significant amount of work required.

53. The following issues shaped Hariri's environment in this period: the adoption of Security Council resolution 1559 (2004) and the political implications of its implementation; the extension of the term of Lebanese President Emile Lahoud; the personal and political dynamics that existed between Hariri and other political parties and leaders in Lebanon, the Syrian Arab Republic and other countries; the preparation and manoeuvring ahead of the parliamentary elections due to be held in May 2005, as well as other business matters in which he was involved. All of these factors came together and were handled by Hariri, sometimes proactively, and sometimes in reaction to events around him. The Commission believes it is likely that a combination of these factors may have created the environment in which the motive and intent to kill him arose.

54. Whereas the Commission had previously adopted a broad focus in the investigation of possible motive, the current reporting period saw these significantly narrowed down to the group of inquiries linked to Hariri's political activities. The Commission is developing a detailed picture of the factual reality that is substantially beyond its earlier understanding of events.

55. From this understanding of the dominating themes, it has become more evident that Hariri was perceived to be in a position of vulnerability from a security perspective. There are indications nevertheless that he received assurances that he would not be the focus of an attack, and that even up to his last few days, he remained confident, at least for external consumption, that he would not be the subject of an attack.

56. The Commission continues to develop the hypothesis that Hariri's threat environment was sufficiently serious for measures to have been taken in attempts to ameliorate the underlying situation, both in the Lebanese political establishment and in the international community.

57. In the last months of Hariri's life, he was very focused on the forthcoming 2005 elections. The nature of his intentions for the planned elections and his

perceived likelihood of success, as well as his political and personal relationships with other parties and their leaders, are particularly significant aspects of the Commission's work in this area, particularly given the rivalries existing between certain political figures at the time.

58. Negotiations unfolded during that period between Hariri and other individuals, including potential candidates, and intense interest was focused upon the draft electoral law, including the drawing of electoral district boundaries in Lebanon and, in particular, in Beirut. Throughout that period, Hariri was also adjusting his political stance, and on the day of his murder had made public that position.

59. It is of some note that Hariri was killed on the day that Parliament was scheduled to debate the electoral law to be applied in the forthcoming elections. Another working hypothesis for the Commission is that those who decided upon the assassination saw it as beneficial to kill him before he formally began his election campaign, especially given the perception in the media at the time that he was likely to win.

60. The Commission has established that Hariri worked on differing political and professional levels, which was reflected in the nature and extent of information, views and positions he discussed with those with whom he interacted. That is evident from the information the Commission has collected from some of his friends, acquaintances, political interlocutors and apparent rivals.

61. It is therefore critical that the Commission continue to have access to those political and diplomatic interlocutors with whom Hariri dealt, and those individuals involved in the relevant political and diplomatic dynamics at all levels. The Commission looks forward to continuing cooperation with such individuals, including, where appropriate, Government officials, in order to ensure the completeness of its investigations.

62. The Commission is developing a working hypothesis that in the period immediately prior to his death, Hariri and others in the national and international political arena were taking steps to defuse the tensions that had arisen between him and others on the political stage. These initiatives apparently included the development of diplomatic and political dialogue between Syrian and Lebanese individuals and Hariri. This dialogue had previously been managed through other Syrian and Lebanese channels, which had apparently fuelled misperceptions and aggravated the already tense political environment.

63. A working hypothesis is that the initial decision to kill Hariri was taken before the later attempts at rapprochement got under way and most likely before early January 2005. This leads to a possible situation in the last weeks before his murder in which two tracks, not necessarily linked, were running in parallel. On one track, Hariri was engaged in rapprochement initiatives and, on the other, preparations for his assassination were under way.

Other investigative areas of interest

64. In a wider context, the Commission continues to seek information that broadens and deepens its knowledge of the political and security environment in Lebanon at the time leading up to and beyond Hariri's assassination. To that end, the Commission has received significant documentary information from certain Lebanese agencies, and continues to seek more, based upon strictly focused

requirements. It will continue to request documents of relevance, and anticipates expanding the concept to incorporate other agencies and other forms of data as necessary.

65. Similarly in this context, the Commission conducted three interviews with Syrian officials in relation to the location of parts of the archive brought back from Lebanon at the time of the Syrian withdrawal in 2005. Following those interviews, two document exploitation missions to those archives at two locations in the Syrian Arab Republic were undertaken, in order to acquire those historical documents created within a strict time period that were of relevance to the broader contextual knowledge objective. The missions were undertaken in conjunction with Syrian authorities, and have elicited useful results with the selection and provision of documentary information. It is anticipated that further requests for assistance will be forthcoming in this regard throughout the next reporting period.

66. The Commission continues to clarify issues surrounding individuals alleged to have engaged in financial transactions with Rafik Hariri, especially during the period immediately leading up to 14 February 2005. This area of the investigation is complex, and the Commission is ensuring that it is pursued only to the extent that it is linked to its investigative objectives.

B. Technical assistance in the other cases

1. The 14 other cases

67. The Commission's focus in the provision of technical assistance to the Lebanese authorities during the reporting period continued with work aimed at interlinking a number of investigative projects. That work will continue to develop in the same manner in the next period. A seismological analysis of the 14 cases is also being conducted by external experts, and the Commission anticipates that it will receive the results before the end of the next reporting period.

Six targeted attacks

68. The Commission has conducted 17 interviews relating to the six targeted attacks in this reporting period, and in doing so it has almost concluded its interviews with the surviving victims of the six attacks, as well as with the victims' families and close associates. The primary purpose of these interviews has been to establish the victims' movements on their last days; determine possible motive for the attacks; understand the victims' security arrangements, if any; identify whether they were under surveillance; and determine any threats or assurances they received. Various leads have emerged from these interviews, and these will be followed up in the coming weeks and months.

69. The Commission has also completed a number of internal analytical reports relating to the Lebanese authorities' case files of the six attacks, and has submitted 12 related requests for assistance. It has also conducted communications traffic analysis in support of other interviews related to a number of the cases, and continues to examine potential communications linkages in the modus operandi of the attacks, and potential commonalities between cases. This work will continue for the next reporting period, and the Commission will also undertake an analysis of exhibits found at each crime scene, including the possible remains of the improvised

explosive devices (IEDs), and other associated items, as deemed relevant. In conjunction with this analysis, an assessment of the modus operandi used by those placing the bombs will be undertaken to develop further the Commission's understanding of commonalities between each attack.

70. The Commission is in the process of prioritizing and translating a number of forensic and crime scene reports provided by the Lebanese authorities, which will be sent for further analysis to an external team of forensic experts. It will also examine all remaining relevant forensic documents and materials in the possession of the Lebanese authorities, develop an exhibits and documents inventory and conduct further forensic examinations on the information and exhibits.

71. The Commission also requested that the Lebanese authorities facilitate an examination of the victims' vehicles and other cars containing the IEDs that were used in the attacks. The Commission conducted a preliminary examination of the available vehicles. These cars have been examined by a visiting forensic expert team in order to develop leads regarding the modus operandi of these attacks and, potentially, to establish horizontal and vertical linkage to other attacks. A number of additional exhibits and residues were taken by the experts for further forensic examinations.

72. The Commission has also recently received a draft report from visiting forensic experts who examined the scene where Gebran Tueni was killed. In addition to 32 exhibits previously recovered by the Lebanese authorities, these experts collected and examined an additional 190 exhibits.

73. The experts confirmed that an amount of high explosives was used in the attack on Tueni, and that the IED in this case was contained in a Renault Rapid vehicle. The bomb was activated when Tueni's Range Rover drove by. The Commission believes that the IED was most likely triggered by a remote control device. A time delay activation mechanism is unlikely to have been used because it was not known in advance precisely when Tueni would drive by the location of the IED. It is also very unlikely that the IED was triggered by a suicide bomber, as there were no human remains found at the site arising from any individuals other than the three victims who were killed in the attack.

74. The experts also found that the attack on Tueni occurred at a location that was conducive to a bomb attack. It took place on a narrow road, along a mountain ridge, which could be viewed clearly from the area surrounding and opposite the crime scene. This location chosen provided a clear unobstructed view of the vehicle-borne IED and, as such, allowed for an effective position to trigger the device remotely.

75. In the El-Murr case, the Commission arranged for an international law enforcement sketch artist to develop the image of two individuals seen acting suspiciously, one of whom was seen the night before the crime, and another who fled the scene at the time of the attack. At this stage, the Commission does not believe the sketches identify the man as being the same person.

Eight bomb attacks

76. The Commission continues to implement the plan for the provision of technical assistance to the Lebanese authorities in the eight bomb attacks where no specific individuals appear to have been targeted, by reviewing and analysing the files as received from the Prosecutor General and the investigating judges.

77. The Commission has sent seven requests for assistance to the Lebanese authorities, requesting, inter alia, additional witness and suspect statements, closed-circuit television footage relevant to the cases, intercepted communications if available and information relating to vehicles of interest.

78. The preliminary objective in this exercise is to conduct individual case analyses for each of the eight cases and make some suggestions as to further investigative steps that may be taken by the Lebanese authorities. Through that exercise, the next aim is to continue to develop horizontal analysis in relation to perpetrator identification, motive, intent and modus operandi.

79. In support of these objectives, and as in the six targeted attacks, the Commission will also undertake a preliminary analysis of exhibits found at each crime scene, and will study each location with relevant experts to conduct a first assessment of the modus operandi used by the perpetrators.

2. Pierre Gemayel case

80. The Commission continues to provide technical investigative support to the Lebanese authorities by conducting interviews, analysing witness statements, collecting closed-circuit television imagery, performing forensic work, conducting communications analysis and reconstructing the crime scene events. In support of this work, the Commission has submitted 10 requests for assistance to the Lebanese authorities.

81. Following the Commission's investigations conducted at the crime scene in November 2006, three days after the assassination, 240 exhibits, including DNA samples, fingerprints, mobile phones, and ballistic and transfer traces, were submitted to forensic examination and analysis.

82. Preliminary results show that there was no global positioning system in the victim's car, which may have given useful tracking information. The specific make and model of at least one vehicle used by the perpetrators has been established. Also, 22 DNA samples taken from a number of places on the vehicle used by Gemayel have been analysed. The DNA profiles of the two victims were found at many locations, and eight DNA samples taken from the doors gave the profile not only of Gemayel, but also of more than one unknown individual.

83. The Commission has conducted a detailed ballistics analysis on the 49 cartridge cases and 55 bullets or parts of bullets found at the crime scene. It can now be concluded that a minimum of five different weapons were used. In addition, the Commission has prepared weapons photo-boards and has acquired recordings of the sounds of different weapons used, in order to assist in the interview process. Statements collected from witnesses are compatible with the scientific findings and have allowed the Commission to refine its understanding of the weapons used in this crime.

84. Sketches of the alleged assassins of Pierre Gemayel provided by the Commission to the Lebanese authorities were recently released and publicized, and they will form part of a broader sketch database that will be developed during the next reporting period.

85. The Commission has developed further investigative leads, including those arising from additional closed-circuit television footage discovered in the proximity

of the scene of the crime. The footage has been sent to a technical laboratory for enhancement of the images. This work is ongoing, as is a 3D-reconstruction and forensic examination of items relating to the crime scene and other items that may have association with the crime. The Commission will continue to provide technical assistance to the Lebanese authorities on this case for the foreseeable future.

3. Ain Alaq bombings

86. The Commission has taken a series of investigative and forensic steps to support the Lebanese authorities in their investigations into these bombings, in which three people were killed and a number of individuals were injured on 13 February 2007. A team of forensic experts was provided to conduct forensic examinations on the crime scene, including examining the Mitsubishi and Kia buses that were bombed, a process which took five days to complete, between 20 and 24 February 2007.

87. The team recovered 127 relevant exhibits, as well as 242 steel ball bearings associated with the explosions. The team provided a preliminary analysis of its findings, and will submit a full report during the next reporting period. The findings indicate that there had been one IED inside each bus, and that the explosive in each, possibly TNT, was approximately 1.5 kg in weight. There were approximately 750 grams to 1 kg of steel ball bearings of the same diameter. Ballistic examinations confirmed that the ball bearings were placed around the explosive.

88. The devices were placed in each bus in a similar position, towards the rear and under a seat on the left-hand side. At the time of explosion, the IED in the Mitsubishi bus was approximately 0.75 m above the ground, and in the Kia bus approximately 1.10 m above the ground. A small number of exhibits were collected that may have come from the initiation system of the IED, and it was assessed that the devices were likely detonated by a time delay device or possibly by remote control. Several fragments of bags that could have been used to carry the bombs were recovered and submitted for forensic examination.

89. The final report on these crime scene investigations and the results of the forensic examinations conducted on exhibits (DNA, fingerprints and explosives) will be received during the next reporting period.

90. It remains unclear at this stage what the motive was in executing these attacks, in the place, on the date and at the time they occurred. In terms of modus operandi, the use of ball bearings may be indicative of the intent to injure as many people as possible with the relatively small amount of explosive used. It is unclear at present whether the bombs were placed by one or two persons, and whether more individuals were involved in the attacks. The Commission is working upon a number of hypotheses in this regard in support of the Lebanese authorities.

III. External cooperation

A. Interaction with the Lebanese authorities

91. During the reporting period, the Commission has continued to work closely with the Lebanese authorities in the Hariri investigation and the 16 other cases. This close interaction has taken the form of regular meetings between the Commission and the Prosecutor General and senior members of his office, as well as communication with the investigative judges assigned to the various cases and with the senior representative appointed by the Internal Security Forces.

92. The Commission has also exchanged a significant amount of information, including documents, reports and other materials, with Lebanese authorities. Specifically, the Commission continues to share with the appropriate institutions the substance of relevant information that it obtains in the course of its investigations in a manner that does not compromise the interest of the source of this information. This continues to include information that may be relevant to individuals who are detained by the Lebanese authorities.

93. During the reporting period, the Commission also continued to rely on the cooperation and assistance of the Lebanese authorities, especially as its caseload had increased and its investigations into the Hariri assassination, the 14 cases, the Gemayel murder and the Ain Alaq attacks had advanced and necessitated a broader range of investigative actions.

94. Thus, during the reporting period, the Commission addressed 57 formal requests for assistance to the Prosecutor General seeking, inter alia, his help in obtaining documents and other information and in facilitating interviews and other missions on Lebanese territory. The Lebanese authorities responded fully and expeditiously to these requests.

B. Cooperation with the Syrian Arab Republic

95. Pursuant to the Syrian Arab Republic's obligations under Security Council resolutions 1636 (2005) and 1644 (2005), and the common understanding reached between the Commission and the Syrian Arab Republic in 2006, the cooperation of the Republic with the Commission remains generally satisfactory.

96. During the reporting period, the Commission submitted four formal requests for assistance to the Syrian Arab Republic seeking information regarding individuals, groups and issues of interest to the Commission and requesting the facilitation of interviews and other missions on Syrian territory.

97. Following the transmission of its requests for assistance, the Commission has, since December, undertaken a number of investigative activities in the Syrian Arab Republic, including conducting interviews, where, once again, responses by individuals can be characterized as variable in quality on occasion; the holding of meetings with relevant Syrian officials; the collection of samples from locations in the Syrian Arab Republic to support the geographic origin forensic project; and the collection of documents from two archive storage sites. The last three missions in particular were arranged and facilitated in a professional and timely manner by the Syrian authorities.

98. The Syrian Arab Republic has continued to provide the Commission with assistance in response to its requests within the appropriate timescales, and the Commission is grateful for the logistical and security arrangements provided by Syrian authorities for its activities in Syria. The Commission will continue to request the full cooperation of the Syrian Arab Republic, which remains crucial to the swift and successful completion of the mandate of the Commission.

C. Cooperation with other States

99. The Commission continues to rely on the willingness of States to provide information and expertise and facilitate its work on their territories when required. During the reporting period, a total of 40 new formal requests for assistance were sent to 23 States, in addition to the requests for assistance addressed to the Syrian and Lebanese authorities.

100. The Commission has greatly benefited from the responses of States to its requests where full and prompt cooperation has been forthcoming. The Commission is very grateful for this cooperation.

101. As the Commission noted in its last report to the Council, a lack of responsiveness by certain States to the Commission's requests could have serious consequences for the Commission's work, in areas such as arranging interviews, providing information on the whereabouts of certain individuals, and technical assistance.

102. In its last report, the Commission noted that responses to requests from 10 Member States were overdue. In view of the importance of the assistance requested and the time frame in which it aims to complete its investigative activities, the Commission concentrated on following up on all outstanding requests for assistance. The Commission held a series of meetings with relevant ambassadors to discuss past requests. As a result of those meetings, almost all outstanding matters were resolved to the Commission's satisfaction, with responses received, and, where appropriate, mechanisms introduced to facilitate the resolution of pending issues.

IV. Organizational support

A. Recruitment

103. During the past three months, the Commission undertook a series of management measures to streamline its internal processes in operational support activities and maintain its recruitment initiative to fill its outstanding positions. In this period, the Commission recruited 35 international and 5 national staff with the assistance of the Department of Peacekeeping Operations. As of March, a further 30 candidates are under active recruitment. These efforts will be maintained until the Commission has reached a satisfactory level of staffing.

104. The investigation division has 41 staff and consultants in March 2007, compared to 29 in December 2006. Additional analysts, investigators, legal officers, forensic experts and a database administrator are currently being recruited.

105. The Commission has been working closely with the Department of Peacekeeping Operations to afford the Commission the operational flexibility it needs to carry out its mandate, particularly regarding staffing issues. The Commission has formally approached several Member States to assist it in the identification of much-needed database information management specialists. Positive responses from Member States to this request would be invaluable to the Commission's work in this important area.

106. All additional posts requested for 2007 were approved in the budget, bringing the total number of international posts in the Commission to 188. The additional posts will assist the Commission to execute its mandate more expeditiously by allowing more concurrent investigative activity to take place and improving the efficiency of the operational support aspects of its work. Out of the 188 budgeted posts, 104 have so far been filled. Of the 51 posts approved for national staff, 41 have been filled with the remaining 10 under active recruitment.

107. Problems remain regarding the recruitment and retention of international language staff such as Arabic language interpreters, translators and transcribers. The Commission is experiencing serious difficulties in finding suitable candidates for recruitment. So far, only 3 of 27 such posts have been filled. This creates significant bottlenecks resulting in delays in investigative activities. The Commission is undertaking varied recruitment initiatives in order to acquire resources in this critical area.

B. Security

108. Since the Commission's last report, the security situation in Lebanon and in the region has remained uncertain and unpredictable. The bombing of the two buses in Ain Alaq, together with numerous discoveries of explosives and IEDs around Beirut and beyond, contribute to this unstable security environment. The Commission continues to enjoy excellent coordination and cooperation with the Lebanese security forces, who have spared no effort in meeting the safety and security needs of the Commission in carrying out its mandate. The Commission is very grateful for this support.

109. Security concerns and restrictions impact the work of the Commission and its investigative activities, and, as a result, a number of steps to mitigate anticipated risks have been taken to maintain a safe and secure environment within which all Commission personnel can function effectively.

110. Emerging security trends are continually being analysed and integrated into the operational context of the Commission's work. Crisis management measures, evacuation procedures and business continuity planning are maintained based on the variables in the security environment surrounding the Commission's work.

V. Conclusions

111. The Commission's primary strategic objective remains the continued investigation into the killing of Rafik Hariri and 22 others, as well as the provision of technical assistance to the Lebanese authorities in the other cases. In pursuit of the goals in the Hariri case, the Commission aims to further establish the facts and

to continue to seek links between the other cases and the Hariri case. In so doing, the Commission seeks to conduct its work in the most expeditious investigative timescale, while respecting a framework of appropriate legal standards.

112. During the next reporting period, the Commission will maintain the investigative focus discussed in this report. A total of around 250 individuals have been identified for interview, and the Commission will seek to interview approximately 50 of them in the next three months. The Commission also plans to acquire further documentary information, additional electronic material and communications data for analysis.

113. The Commission is grateful for the full support of the Prosecutor General of Lebanon in conducting its work, in particular as it relates to sensitive and complicated investigative steps that have been undertaken and that are being planned. Both the Commission and the Prosecutor General will continue to create a secure and confidential working environment for witnesses and for the Commission's staff.

114. The Commission recognizes the complexities of the Hariri case as it develops. During the reporting period, the Commission narrowed down possible motives to those linked with Hariri's political activities. The Commission's understanding of the facts has advanced substantially, producing valuable links within and between the main components of the case. In the next reporting period, and potentially beyond that, the Commission believes that it will be able to develop further a unifying factual theory built upon newly identified linking evidence. The aim remains to link together the most responsible perpetrators with others who knew about the crime, those who participated in the execution of it, and those who assisted in the preparation of the necessary components for its execution.

115. The Commission's work on the other cases remains focused upon the provision of technical assistance to the Lebanese authorities by identifying and applying investigative support that adds value to each case without putting excessive strain on the Commission's resources. The Commission also continues to identify horizontal links between each case, and with the Hariri case, where possible. The Commission believes that in the next reporting phase, the depth of knowledge of each case will be further enhanced to allow such potential linkages to emerge.

116. The Commission notes that requests for assistance it has addressed to Lebanon, the Syrian Arab Republic and other States have received mostly positive and timely responses. Assistance from all these States remains essential to allow the Commission to carry out its investigative work effectively.

117. The Commission also notes that the volatile political and security environment in Lebanon and the ability to recruit and retain qualified staff have an impact on the Commission's ability to fulfil its mandate in a timely fashion. The Commission will continue to concentrate its efforts on managing these factors as it works towards its objectives.

118. Finally, the Commission continues its work in anticipation of the creation of a special tribunal for Lebanon. In the light of the current and planned investigative activities outlined in this report, it is unlikely that the Commission will complete its work before its current mandate expires in June 2007. The Commission therefore welcomes the request for an extension of its mandate beyond that date.